

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Filed 9-27-02  
Clerk, U. S. District Court  
Western District of Texas

By S. J. [Signature] Deputy

KINETIC CONCEPTS, INC., KCI  
USA, INC., and MEDICAL RETRO  
DESIGN, INC.,

Plaintiffs,

VS.

CIVIL ACTION NO. SA-95-CA-755-FB

HILLENBRAND INDUSTRIES, INC.,  
HILL-ROM COMPANY, INC., and  
HILL-ROM, INC.,

Defendants.

VERDICT FORM

Keeping in mind the preceding instructions, please answer the following questions. All "yes" answers must be supported by a preponderance of the evidence.

QUESTION 1:

Did KCI prove standard hospital beds and specialty beds are separate relevant product markets?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

If you answer "Yes" go to Question 2. If you answer "No" go to Question 10.

QUESTION 2:

Did KCI prove that Hill-Rom attempted to monopolize the specialty bed market?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

If your answer is "Yes" go to Question 3. If your answer is "No" go to Question 4.

QUESTION 3:

Did KCI prove that KCI suffered injury in its business or property as a material result of Hill-Rom's attempted monopolization, if any you have found?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

**QUESTION 4:**

Did KCI prove that Hill-Rom engaged in contracts, combinations, or conspiracies that unreasonably restrained competition in the specialty bed market?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

If your answer is "Yes" go to Question 5. If your answer is "No" go to Question 6.

**QUESTION 5:**

Did KCI prove that KCI suffered injury in its business or property as a material result of Hill-Rom's unreasonable restraint of competition, if any you have found?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

**QUESTION 6:**

Did KCI prove that Hill-Rom entered into tying arrangements as that term is defined in these instructions?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

If your answer is "Yes" go to Question 7. If your answer is "No" go to Question 8.

**QUESTION 7:**

Did KCI prove that KCI suffered injury in its business or property as a material result of Hill-Rom's tying arrangements, if any you have found?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

**QUESTION 8:**

What amount of money paid now in cash, if any, do you find would fairly compensate KCI for the injury, if any, that you have found?

Answer in dollars and cents, if any.

\$ 173,590.438

**QUESTION 9:**

Do you find that Hillenbrand directed, controlled or participated in the conduct, if any, you found in response to Questions 2, 4, or 6?

Answer "Yes" or "No."

Yes X No \_\_\_\_\_

**QUESTION 10:**

Did Hill-Rom prove that any of the following is a relevant product submarket?

Answer "Yes" or "No."

- |    |                         |              |                  |
|----|-------------------------|--------------|------------------|
| a. | Bariatric products      | Yes <u>X</u> | No <u>      </u> |
| b. | Wound care products     | Yes <u>X</u> | No <u>      </u> |
| c. | Pulmonary products      | Yes <u>X</u> | No <u>      </u> |
| d. | Rotating table products | Yes <u>X</u> | No <u>      </u> |

If you answered "Yes" to any part of this Question, answer Question 11 with regard to the submarkets for which you answered "Yes." If you answered "No" as to a, b, c, and d, do not proceed any further.

**QUESTION 11:**

Did Hill-Rom prove that KCI attempted to monopolize any of the following submarkets through sham litigation against Hill-Rom and Hillenbrand and by making disparaging comments to Hill-Rom customers?

Answer "Yes" or "No."

- |    |                         |                   |             |
|----|-------------------------|-------------------|-------------|
| a. | Bariatric products      | Yes <u>      </u> | No <u>X</u> |
| b. | Wound care products     | Yes <u>      </u> | No <u>X</u> |
| c. | Pulmonary products      | Yes <u>      </u> | No <u>X</u> |
| d. | Rotating table products | Yes <u>      </u> | No <u>X</u> |

If you answered "Yes" to any part of Question 11, answer Question 12. Otherwise do not proceed.

**QUESTION 12:**

Did Hill-Rom prove that Hill-Rom suffered injury in its business or property in any of the submarkets as a material result of KCI's attempted monopolization, if any you have found?

Answer "Yes" or "No."

- |    |                         |                   |                  |
|----|-------------------------|-------------------|------------------|
| a. | Bariatric products      | Yes <u>      </u> | No <u>      </u> |
| b. | Wound care products     | Yes <u>      </u> | No <u>      </u> |
| c. | Pulmonary products      | Yes <u>      </u> | No <u>      </u> |
| d. | Rotating table products | Yes <u>      </u> | No <u>      </u> |

**QUESTION 13:**

If you answered "Yes" to any part of Question 11, please answer the following Question. Otherwise do not proceed.

Did Hill-Rom prove that KCI wrongfully interfered with Hill-Rom's prospective business relations?

Answer "Yes" or "No."

Yes \_\_\_\_\_ No \_\_\_\_\_

**QUESTION 14:**

If you answered "Yes" to any parts of Question 12 or Question 13, please answer the following Question. Otherwise do not proceed.

What sum of money, if any, if paid now in cash would fairly and reasonably compensate Hill-Rom for the damages, if any, proximately caused by the conduct found by you in answer to Question No. 11 or Question No. 13?

Answer in dollars and cents, if any.

Conduct prior to 10/31/92 \$ \_\_\_\_\_

Conduct between 10/31/92 and 10/31/94 \$ \_\_\_\_\_

Conduct after 10/31/94 \$ \_\_\_\_\_

SO SAY WE ALL.

~~PRESIDING JUROR~~

9/27/02  
Date